

2018 Current Fiscal Year Report: Freedom of Information Act Advisory Committee

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1. Department or Agency

National Archives and Records Administration

2. Fiscal Year

2018

3. Committee or Subcommittee

Freedom of Information Act Advisory Committee

3b. GSA Committee No.

2493

4. Is this New During Fiscal Year?

No

5. Current Charter

05/20/2018

6. Expected Renewal Date

05/20/2020

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Not Applicable

11. Establishment Authority Agency Authority

12. Specific Establishment Authority

Second Open Government National Action Plan

13. Effective Date

12/05/2013

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee National Policy Issue Advisory Board

16a. Total Number of Reports

1

16b. Report Date Report Title

04/17/2018 Final Report and Recommendations 2016-2018 Committee Term

Number of Committee Reports Listed: 1

17a. Open 4 17b. Closed 0 17c. Partially Closed 0 Other Activities 0 17d. Total 4

Meetings and Dates

Purpose	Start	End
To hear updates on subcommittee work and receive public comments.	10/19/2017	- 10/19/2017
To hear updates on subcommittee work and receive public comment.	01/16/2018	- 01/16/2018
To discuss and finalize the Committee's Final Report and Recommendations.	04/17/2018	- 04/17/2018
To launch 2018-2020 term, brainstorm priorities & form committees.	09/06/2018	- 09/06/2018

Number of Committee Meetings Listed: 4

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$25,000.00	\$25,000.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00

18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$25,000.00	\$25,000.00
19. Federal Staff Support Years (FTE)	0.20	0.20

20a. How does the Committee accomplish its purpose?

The Advisory Committee serves as deliberative body to advise on improvements to FOIA administration by studying the current FOIA landscape across the Executive Branch and may recommend legislative action, policy changes or executive action, among other matters.

20b. How does the Committee balance its membership?

The Committee consists of 20 voting members considered to be FOIA experts from both inside and outside government. Other Balance Factors. Government members of the Committee will include, at a minimum, three FOIA professionals from Cabinet-level Departments; four FOIA professionals from Cabinet-level Departments; four FOIA professionals from non-Cabinet agencies; one representative from the Department of Justice, Office of Information Policy; and one representative from NARA.

Non-governmental members of the Advisory Committee will include, at a minimum, three individuals representing the interests of non-governmental organizations that advocate on FOIA matters; two individuals representing the interests of FOIA requesters who qualify for the "all other" FOIA requester fee category; one individual representing the interests of requesters who qualify for the "news media" FOIA requester fee category; one individual representing the interests of requesters who qualify for the "commercial" FOIA requester fee category; one individual representing the interests of historians and history-related organizations; and one individual representing the interests of academia.

20c. How frequent and relevant are the Committee Meetings?

The Committee meets quarterly to hear from experts on FOIA issues as well as hear updates from subcommittees and discuss issues. In FY 2018, the Committee met 4 times.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The Committee is established in accordance with the National Action Plan (NAP) and the directive in the Freedom of Information Act, 5 U.S.C. § 552(h)(4)(A)(iii), that the Office of Government Information Services (OGIS) make "legislative and regulatory recommendations ... to improve the administration" of the Freedom of Information Act

(FOIA).

20e. Why is it necessary to close and/or partially closed committee meetings?

Not Applicable

21. Remarks

As part of the Open Government Partnership, the United States issued its second Open Government National Action Plan (NAP) on December 5, 2013, that sets forth several specific initiatives the Administration would undertake in the coming two years. One flagship initiative includes efforts to modernize the Freedom of Information Act (FOIA), including creating a FOIA Federal Advisory Committee to be “comprised of government and non-governmental members of the FOIA community, to foster dialog between the Administration and the requester community, solicit public comments, and develop consensus recommendations for improving FOIA administration and proactive disclosures.”

Designated Federal Officer

Kirsten B. Mitchell Compliance Team Lead

Committee Members	Start	End	Occupation	Member Designation
Baron, Jason	06/25/2018	06/30/2020	Of Counsel, Drinker Biddle & Reath LLP	Representative Member
Bekesha, Michael	06/30/2016	05/20/2018	Attorney, Judicial Watch, Inc	Representative Member
Bell, Michael	07/20/2017	05/20/2018	Deputy Director of the Freedom of Information Privacy Act Division, Department of Health and Human Services	Regular Government Employee (RGE) Member
Carr, Stephanie	06/30/2016	05/20/2018	Supervisory Freedom of Information Act Officer	Regular Government Employee (RGE) Member
Creighton, Emily	06/25/2018	06/30/2020	Deputy Legal Director, American Immigration Council	Representative Member
Ebadolahi, Mitra	06/30/2016	05/20/2018	Staff Attorney, Border Litigation Project	Representative Member
Eggleston, Jill	06/30/2016	05/20/2018	Assistant Center Director	Regular Government Employee (RGE) Member
Goldberg, Kevin	06/25/2018	06/30/2020	General Counsel, American Society of News Editors	Representative Member
Hershberg, James	08/05/2016	05/20/2018	George Washington University	Representative Member
Jacobs, James	06/25/2018	06/30/2020	Federal Government Information Librarian, Depository Library Coordinator, Stanford University Libraries	Representative Member
Johns, Andrew	06/25/2018	03/05/2019	Associate Professor, Brigham Young University	Representative Member
Jones, Nate	05/20/2014	05/20/2018	Freedom of Information Act Coordinator, National Security Archive	Representative Member
Kaminer, Joan	06/25/2018	06/30/2020	Attorney-Advisor, Environmental Protection Agency	Regular Government Employee (RGE) Member
Katilius, Lizzette	06/25/2018	06/30/2020	Supervisory Research Specialist, Office of FOIA Services, Securities and Exchange Commission	Regular Government Employee (RGE) Member
Knox, Chris	06/30/2016	06/30/2020	Advisory Director	Representative Member

Kolter, Sarah	12/06/2016	06/30/2020	Director, Division of Freedom of Information	Regular Government Employee (RGE) Member
Kwoka, Margaret	06/30/2016	05/20/2018	Assistant Professor of Law	Representative Member
Law, Ryan	06/25/2018	06/30/2020	Deputy Assistant Secretary for Privacy, Transparency, and Records, Department of the Treasury	Regular Government Employee (RGE) Member
Lazier, Raynell	06/30/2016	05/20/2018	FOIA Manager	Regular Government Employee (RGE) Member
McCall, Ginger	06/30/2016	05/20/2018	Attorney Advisor Department of Labor	Regular Government Employee (RGE) Member
McCall, Ginger	09/18/2018	05/20/2020	Public Records Advocate, State of Oregon	Representative Member
Morisy, Michael	06/25/2018	06/30/2020	Co-Founder and Chief Executive, MuckRock	Representative Member
Mosheim, Abiyoe	06/25/2018	06/30/2020	Assistant General Counsel, U.S. Consumer Product Safety Commission	Regular Government Employee (RGE) Member
Moulton, Sean	07/14/2015	05/20/2018	Open Government Program Manager, Project on Open Government Oversight (POGO)	Representative Member
Perel, Logan	06/30/2016	05/20/2018	Intelligence Counsel	Regular Government Employee (RGE) Member
Piotrowski, Suzanne	06/25/2018	06/30/2020	Associate Professor, Rutgers University	Representative Member
Pritzker, David	04/20/2015	05/20/2018	Deputy General Counsel, Administrative Conference of the United States	Regular Government Employee (RGE) Member
Pustay, Melanie	05/20/2014	06/30/2020	Director, Office of Information Policy, U.S. Department of Justice	Regular Government Employee (RGE) Member
Semo, Alina	12/05/2016	06/30/2020	Director, Office of Government Information Services	Regular Government Employee (RGE) Member
Steven, Lee	06/25/2018	06/30/2020	Assistant Vice President, Cause of Action Institute	Representative Member
Susman, Thomas	06/30/2016	06/30/2020	Director, Governmental Affairs Office	Representative Member
Valvo, Russell	06/30/2016	05/20/2018	Counsel and Senior Policy Advisory	Representative Member
Walsh, Lynn	06/30/2016	05/20/2018	President-Elect for the Society of Professional Journalists	Representative Member
Weth, Patricia	06/25/2018	06/30/2020	Deputy Assistant General Counsel, National Labor Relations Board	Regular Government Employee (RGE) Member
White, Bradley	06/25/2018	06/30/2020	FOIA Officer, Department of Homeland Security Office for Civil Rights and Civil Liberties	Regular Government Employee (RGE) Member

Number of Committee Members Listed: 35

Narrative Description

As part of the Open Government Partnership, the United States issued its second Open Government National Action Plan (NAP) on December 5, 2013, that set forth several specific initiatives the Administration would undertake. One flagship initiative included various efforts to modernize the Freedom of Information Act (FOIA). This initiative included creating a FOIA Federal Advisory Committee, which is “comprised of government and non-governmental members of the FOIA community. This committee fosters dialog between the Administration and the requester community, solicits public comments, and develops consensus recommendations for improving FOIA administration and proactive disclosures.”The Committee was established in accordance with the NAP

and the directive in the Freedom of Information Act, 5 U.S.C. § 552(h)(1)(C), which states that the National Archives and Records Administration's Office of Government Information Services (OGIS) "recommend policy changes ... to improve" the Freedom of Information Act (FOIA) administration. This advisory committee serves as a deliberative body to advise on improvements to FOIA administration. The Committee studies the current FOIA landscape across the Executive Branch and may recommend legislative action, policy changes or executive action, among other matters.

What are the most significant program outcomes associated with this committee?

Checked if Applies

- | | |
|---|-------------------------------------|
| Improvements to health or safety | <input type="checkbox"/> |
| Trust in government | <input checked="" type="checkbox"/> |
| Major policy changes | <input checked="" type="checkbox"/> |
| Advance in scientific research | <input type="checkbox"/> |
| Effective grant making | <input type="checkbox"/> |
| Improved service delivery | <input checked="" type="checkbox"/> |
| Increased customer satisfaction | <input checked="" type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

Outcome Comments

Not Applicable

What are the cost savings associated with this committee?

Checked if Applies

- | | |
|----------------------------|-------------------------------------|
| None | <input type="checkbox"/> |
| Unable to Determine | <input checked="" type="checkbox"/> |
| Under \$100,000 | <input type="checkbox"/> |
| \$100,000 - \$500,000 | <input type="checkbox"/> |
| \$500,001 - \$1,000,000 | <input type="checkbox"/> |
| \$1,000,001 - \$5,000,000 | <input type="checkbox"/> |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/> |
| Over \$10,000,000 | <input type="checkbox"/> |
| Cost Savings Other | <input type="checkbox"/> |

Cost Savings Comments

Unable to Determine

What is the approximate Number of recommendations produced by this committee

for the life of the committee?

9

Number of Recommendations Comments

During its first term (2014-16), the committee recommended that the Archivist of the United States recommend that the Office of Management and Budget (OMB) revise and update its fee guidance to reflect technological changes in the public's ability to disseminate information. During its second term (2016-18), the committee recommended that the Archivist of the United States: 1)-propose that the Chief FOIA Officer Council seek to establish a technology subcommittee in partnership with the CIO Council-2) request that the Department of Justice Office of Information Policy (OIP) collect detailed information about agency search practices and technologies in Chief FOIA Officer Reports 3)-suggest a modification to the Federal Acquisition Regulation that requires all agencies to consider FOIA implications when acquiring records-related information technology 4)-launch an interagency effort to develop standard requirements for FOIA processing tools that ensure both the tools and the output are accessible to people with disabilities-5) request that the Office of Government Information Services (OGIS) conduct an assessment of agency practices with regard to FOIA reading rooms;-6) encourage OGIS in its Annual Report to highlight issues with meeting agency requirements to proactively release records under FOIA while also making records accessible to people with disabilities 7)-direct OGIS to examine the use of appropriate FOIA performance standards-8) direct OGIS to highlight identified best practices

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

67%

% of Recommendations Fully Implemented Comments

The Archivist of the United States submitted the recommendation regarding updating fee guidance to OMB. The Archivist also directed OGIS to:-contact OIP to request that information about agency FOIA search methods and technologies is collected in Chief FOIA Officer reports-assess agency FOIA reading rooms-highlight issues in its Annual Report with meeting agency requirements to proactively release records under FOIA while also making records accessible to people with disabilities-assess the use of appropriate FOIA performance standards-promote identified best practices

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

N/A

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

The Archivist of the United States reviewed and approved a plan to implement the Advisory Committee's recommendations.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

Action Comments

Not Applicable

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

Not Applicable

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

Access Comments

Information about the committee is available on the Committee's webpage at <https://www.archives.gov/ogis/foia-advisory-committee> and on the Office of Government Information Services blog at <http://foia.blogs.archives.gov/>.